

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JAMES CHARLES BUTTS, #113786,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:17-CV-646-MHT
)	[WO]
)	
CORIZON, LLC, et al.,)	
)	
Defendants.)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

I. INTRODUCTION

This 42 U.S.C. § 1983 action is pending before the court on a complaint filed by James Charles Butts, a state inmate, in which he challenges the constitutionality of medical treatment provided to him during his previous incarceration at the Bibb Correctional Facility.¹ Upon review of the complaint, the court finds that this case should be transferred to the United States District Court for the Northern District of Alabama pursuant to 28 U.S.C. § 1404.²

II. DISCUSSION

“A civil action may be brought in—(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a

¹ Butts is currently incarcerated at the Elmore Correctional Facility. Butts is advised that if he seeks to challenge the constitutionality of medical treatment currently provided to him at Elmore he may do so by filing a separate 42 U.S.C. § 1983 action in this court.

² Butts filed an application for leave to proceed *in forma pauperis*. Doc. 2. However, under the circumstances of this case, the court concludes that assessment and collection of any filing fee should be undertaken by the United States District Court for the Northern District of Alabama.

judicial district in which a substantial part of the events or omissions giving rise to the claim occurred . . . ; or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action." 28 U.S.C. § 1391(b). The law further provides that "[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district . . . where it might have been brought[.]" 28 U.S.C. § 1404(a).

The Bibb Correctional Facility is located within the jurisdiction of the United States District Court for the Northern District of Alabama. Thus, the actions about which Butts complains occurred in the Northern District of Alabama. Moreover, it is clear from the complaint that the individuals named as defendants and those personally responsible for the challenged actions reside in the Northern District of Alabama. Moreover, by virtue of its status as the contract medical provider for the Alabama Department of Corrections, Corizon is subject to service of process throughout the State and commonly defend suits in all federal courts of this state.

In light of the foregoing, the court finds that the relevant evidence and those individuals with personal knowledge of the actions about which Butts complains are located in the Northern District of Alabama. Consequently, the court concludes that in the interest of justice and for the convenience of the parties this case should be transferred to the United States District Court for the Northern District of Alabama for review and disposition.

III. CONCLUSION

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be transferred to the United States District Court for the Northern District of Alabama pursuant to the provisions of 28 U.S.C. § 1404.

The plaintiff may file objections to the Recommendation on or before **October 27, 2017**. Any objection must specifically identify the findings in the Recommendation objected to. Frivolous, conclusive or general objections will not be considered by the District Court. The plaintiff is advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar a party from a *de novo* determination by the District Court of factual findings and legal issues covered in the report and shall "waive the right to challenge on appeal the District Court's order based on unobjected-to factual and legal conclusions" except upon grounds of plain error if necessary in the interests of justice. 11th Cir. R. 3-1; *see Resolution Trust Co. v. Hallmark Builders, Inc.*, 996 F.2d 1144, 1149 (11th Cir. 1993); *Henley v. Johnson*, 885 F.2d 790, 794 (11th Cir. 1989).

DONE this 13th day of October, 2017.



GRAY M. BORDEN
UNITED STATES MAGISTRATE JUDGE